

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1002 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UJIBEN DHANJIBHAI

Versus

MAMLATDAR -BOTAD & OTHERS

Appearance:

MS KETTY A MEHTA for Petitioner

MR VB GHARANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/96

ORAL JUDGEMENT

Heard learned counsel for the parties. The petitioner filed this Special Civil Application before this court and prayed therein that the respondents be directed to fix and pay to her the living wage on the basis of salary paid to Class IV servants working in the Office of Mamlatdar, Botad.

In the reply, the respondents have come up with a

case that the petitioner has been engaged as a water bearer in the office only for one hour daily and she has been paid the fixed remuneration accordingly.

The petitioner can claim the salary payable to Class IV employees on the doctrine "Equal Work Equal Pay" only when she worked for full time which is not the case here. The petitioner herself has admitted that she is doing the part-time job. In view of this fact, it cannot be said that she is entitled for the living wage as claimed. Otherwise also in view of the reply filed by the respondents that from 25th May, 1993, the petitioner is being paid Rs.300/- p.m. for part-time service as in view of the water shortage she has been employed for three hours daily. The petitioner is getting wages for three hours working at the rate of Rs.300/- p.m. since 25th May, 1993.

Taking into consideration the totality of the facts of this case, this writ petition is wholly misconceived and the same is dismissed. Rule discharged. No order as to costs.

zgs/-